

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:20-CR-00430-FDW-DSC**

UNITED STATES OF AMERICA

v.

JOEY CONTRERAS JR.,

Defendant.

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ORDER

THIS MATTER is before the Court on Defendant’s Motion made in a “letter asking for a sentence reduction pursuant to 18 U.S.C. 3582(c)(1)(A).” (Doc. No. 30). Defendant’s “Motion” makes insufficient argument to justify a reduction in sentence. Indeed, nothing in the “Motion” suggests a reduction in the sentence of 60 months as originally imposed by the Court, and Defendant makes no argument as to extraordinary and compelling reasons to support any reduction.

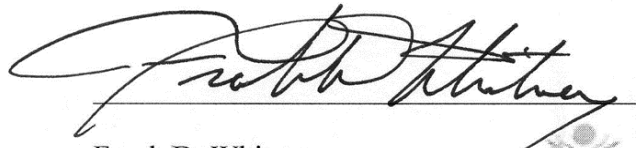
Instead, the gravamen of Defendant’s “Motion” asserts the Bureau of Prisons is not computing his time in accordance with the judgment in this case. It is well-settled that the Bureau of Prisons, on behalf of the Attorney General, is responsible for calculating federal terms of imprisonment, including computation of amount of credit after taking custody of the sentenced federal offender. United States v. Wilson, 503 U.S. 329, 331, 334-35 (1992). And, as the Fourth Circuit has explained, “A claim for credit against a sentence attacks the computation and execution of the sentence rather than the sentence itself. Judicial review must be sought under 28 U.S.C. § 2241 in the district of confinement rather than in the sentencing court.” United States v. Miller, 871 F.2d 488, 490 (4th Cir. 1989); see also Fontanez v. O’Brien, 807 F.3d 84, 85 (4th Cir. 2015). The return address on Defendant’s motion indicates he is located at the FCI Bennettsville in

Bennettsville, South Carolina. (Doc. No. 30-2, p. 1). Accordingly, Defendant's Motion is DENIED WITHOUT PREJUDICE to be raised in the appropriate district.

IT IS SO ORDERED that Defendant's Motion, (Doc. No. 30), is DENIED WITHOUT PREJUDICE.

IT IS SO ORDERED.

Signed: September 12, 2023


Frank D. Whitney
United States District Judge

